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11 JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE

12
13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 EVANSTON INSURANCE COMPANY,)
16)
17 Plaintiffs,)
18 v.)
19 70 LIMITED PARTNERSHIP, a Nevada L.P.;)
TERTIA DVORCHAK, as Special)
20 Administratrix of the Estate of Thomas T. Beam,)
Deceased; JOHN PETER LEE, LTD., a Nevada)
21 Professional Corporation; and JOHN PETER)
LEE, an Individual,)
22 Defendants.)
23 JOHN PETER LEE, LTD. and JOHN PETER)
LEE,)
24 Third-Party Plaintiff,)
25 v.)
26 HARLEY E. HARMON INSURANCE)
27 AGENCY, INC.,)
28 Third-Party Defendant.)

CASE NO.: 2:14-CV-01370-RFB-NJK

**STIPULATION AND ~~PROPOSED~~
ORDER, PURSUANT TO LOCAL
RULE 1A 6-1, TO EXTEND THE
DEADLINE FOR FILING A PROPOSED
SCHEDULING ORDER
(Second Request)**

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled 70
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial
4 District, State of Nevada, Clark County (“*Malpractice* action”).

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned 70
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County
8 District Court, Case no A572739 (“*McCarron* action”). Moreover, the case, captioned *F & C*
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B (“*Collection* action”),
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the
15 *Collection* action.

16 A settlement was reached in the *Collection* action, and *Malpractice* action was dismissed.
17 In light of these developments, the parties recently requested the Court lift the stay. The Court lifted
18 the Stay effective August 17, 2017, and ordered the parties to file a proposed scheduling order by
19 August 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)
21 70 Limited Partnership, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee’s law firm - John Peter
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. 70 Limited
25 Partnership and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint
27 against John Peter Lee, Ltd.’s insurance broker, Harley E. Harmon Insurance Agency, Inc., for
28 claims related to the *Malpractice* action.

1 In the second half of August of 2017, the parties commenced settlement discussions. The
2 parties requested that the deadline for filing a proposed Scheduling Order be extended from August
3 24, 2017 to September 6, 2017, so that the parties would have time to continue their settlement
4 discussions. The Court granted the request and signed the Stipulation.

5 During the past two weeks, the parties have continued settlement discussions. All claims
6 between Evanston Insurance Company, on the one hand, and John Peter Lee, LTD., and the Estate
7 of John Peter Lee, on the other hand, have been tentatively settled. The claims asserted by Evanston
8 Insurance Company against Tertia Dvorchak and 70 Limited Partnership have been tentatively
9 settled. The only remaining claim is the claim of John Peter Lee, LTD., and the Estate of John Peter
10 Lee, on the other hand, against Harley E. Harmon Insurance Agency, Inc., on the other hand.

11 The parties request that the deadline for filing a proposed Scheduling Order be extended 7
12 days to provide sufficient time for the parties involved to continue their settlement discussions. If
13 the remaining settlement discussions are successful, then the entire matter, including Counterclaims
14 and Third-Party Complaints, will be dismissed. If the settlement discussions are unsuccessful, then
15 the parties will prepare and file a proposed Scheduling Order on or before September 13, 2017.

16 The Parties hereby stipulate that the deadline to file the proposed scheduling order be
17 continued 7 days to September 13, 2017.

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1 DATED: September 6, 2017

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17 OF JOHN PETER LEE

18 DATED: September 6, 2017

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27 DATED: September 6, 2017

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HARLEY E. HARMON INSURANCE
AGENCY, INC.

1 DATED: September 6, 2017

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14 70 LIMITED PARTNERSHIP and
15 TERTIA DVORCHAK
16

17 IT IS SO ORDERED

18 
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: September 7, 2017